

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jesus ZAMORA-Garcia,

Defendant

Magistrate Docket No. 08MD0862

08 MAR 20 PM 1:53

AMENDED U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

DEPUTY

The undersigned complainant, being duly sworn, states:

On or about **March 17, 2008** within the Southern District of California, defendant, **Jesus ZAMORA-Garcia**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT

James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 20th DAY OF MARCH 2008.


Leo S. Papas
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:**Jesus ZAMORA-Garcia****PROBABLE CAUSE STATEMENT**

On March 17, 2008, Senior Patrol Agent G. Perez was performing Border Patrol operations in the Chula Vista area of responsibility. At approximately 10:30 p.m., infrared scope operator Border Patrol Agent B. Hurlbut notified Agents via bureau radio that he had spotted six individuals walking northbound east of "Thousand Trails." "Thousand Trails" is located approximately six miles east of the Otay Mesa, California Port of Entry and approximately four miles north of the United States/Mexico International boundary. This area is remote with little lighting. Due to the remoteness and darkness of the area, this is a common route of travel for illegal aliens attempting to further their illegal entry into the United States.

Agent Hurlbut directed Agent Perez to the location of the individuals where he witnessed five individuals attempting to conceal themselves in a large bush. Agent Perez identified himself as a United States Border Patrol Agent and conducted a field interview of the five individuals. Agent Perez questioned each individual as to their citizenship and each individual responded they were citizens of "Mexico." Agent Perez then asked each individual if they possessed any immigration documents that would allow them to enter or remain in the United States legally and they all stated "No."

Agent Hurlbut then advised Agent Perez that the individual he observed leading the group had separated from the group and traveled westbound. After a brief search of the area, Agent Perez located an individual, later identified as the defendant **Jesus ZAMORA-Garcia**, approximately 25 yards away attempting to conceal himself in a bush. Agent Perez approached the defendant and identified himself as a United States Border Patrol Agent and conducted a field immigration interview. Agent Perez questioned the defendant as to his citizenship and the defendant responded that he was a citizen of "Mexico." Agent Perez then asked the defendant if he possessed any legal immigration documents that would allow him to remain in the United States legally and the defendant stated he did not. At approximately 11:00 p.m., all the individuals, including the defendant, were placed under arrest and transported to the Chula Vista Border Patrol Station for processing.

Routine record checks of the defendant revealed an immigration history. The defendant's record was determined by a comparison of his immigration record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **March 13, 2006** through **Calexico, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights in the Spanish language. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant further admitted that he had been previously deported from the United States and has not applied or requested permission to re-enter the United States legally.